IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3054 OF 2005

BPM Industries Limited and Ors. .. Petitioners

Vs.

The State of Maharashtra and Ors.. Respondents

Mr.M.U.Pandey for the petitioners

Mr.K.R.Belosey, Off.G.P. for the respondent nos.1 and 2

Mr.G.D.Utangale i/b M/s.Utangale and Co. for respondent no.3

CORAM : J.N.PATEL, ACTING C.J.
S.C.DHARMADHIKARI, J.

DATED : 13TH MARCH, 2007

P.C.:

1. The petitioners who are the aggrieved land owners have challenged the order passed by the respondent state on 29.06.05 which has been notified in the Maharashtra Government Gazette dated 28.07.05 and have sought interim relief from this court restraining the respondents and their officers from acting upon the said order.

2. In response to the petition, the State has filed an affidavit in reply where it has been categorically stated that the petitioners can very well approach the State Government i.e.apply to the competent authority with a proposal under a scheme as contemplated under section 20 of Urban Land (Ceiling and Regulation) Act, 1976 for the development of land which has been considered and permitted under section 20 or 22 of the said Act which can be taken up for consideration on its own merits.

3. In view of this, the learned counsel for the petitioners submit that if the State Government is willing to consider the case of the petitioners, the petitioners would submit the scheme under section 20 or 22 of the Urban Land (Ceiling and Regulation) Act, 1976 for development as per the Policy of the State and may be granted liberty to apply to the State in the matter and permit them to withdraw the petition.

4. We therefore, permit the petitioners to

withdraw the petition with liberty to apply to the State under section 20 or 22 of the Urban Land (Ceiling and Regulation) Act, 1976 and submit a scheme in accordance with the policy of the State.

5. Petition stands disposed of accordingly.

ACTING CHIEF JUSTICE

SHRI S.C.DHARMADHIKARI, J